

# TREE REMOVAL



*Department of Planning, Building and Code Enforcement*  
STEPHEN M. HAASE, DIRECTOR

Planning Division Customers:

Re: Permit Information Update

Thank you for making an investment in San Jose with this development application. The City prides itself on being a leader in Smart Growth, but recognizes that much of that good work is the result of private investment choices made by each of our applicants to locate in San Jose. One of our goals is to help you succeed in your business, so that you can help us with our business.

San Jose's development process is based on our San Jose 2020 General Plan, supplemented by the Zoning Ordinance, and City Council adopted design guidelines and policies. Many of these documents can be found online at our web site listed below. Our staff utilizes these policies to ensure your application is promptly reviewed in a comprehensive manner with the goal of "no surprises" later in the process. Several changes are being made to the way we process development applications filed with the City, with the goal of continuously improving our customer service and overall process.

## **Processing Time Targets**

The City has worked with the development community to establish processing time targets (attached) for many of our applications. These targets are intended to set expectations for City staff and our applicants of how long a given process should take. One important lesson we have learned is that responsive applicants keep their projects moving more successfully through the process. We will manage your project(s) according to these established targets.

If your project does not fit into these general targets we will work with you to identify the best course of action. For example, if your project requires more than a second cycle of plan review, we will schedule a meeting with you and your consultants to discuss the best way to keep the project moving consistent with the standard timelines.

As part of managing the schedule for your project, it is important to understand the overall discretionary review process and relevant milestones, public outreach, and the required environmental review. We will assist you with all aspects of your project, such as coordinating and scheduling a community meeting when one is necessary, or working with you to address the scope and specifics of complicated environmental issues.

## **Working With Your Project Manager**

To provide you the best possible customer service, a project manager has been assigned as your key point of contact in the City's processing of your application. The project manager is responsible for managing your schedule, scheduling meetings, and providing feedback to you and

your design team regarding the various components of your project. In addition, the project manager will facilitate the resolution of key project issues to ensure you get the best possible information and decisions from all City departments in a timely manner. Your project manager has access to department management and upon your request will coordinate the necessary team meetings and decision-making to keep your project moving. This relationship is an important partnership to ensure good communication and a predictable development process – feel free to contact your project manager at any time.

### **Development Fee Program**

One of the outcomes of the review of processing times and the budget for the development fee programs this fiscal year was the reconsideration of our fee structure which was previously set on a flat rate basis. The development review program in San Jose is paid for with the fees collected with application submittals. These fees pay for the City staff working on development projects. As a result of our budget review and working with the development community, a greater effort was made to ensure that fees collected reflect the level of work commensurate with specific classes of projects.

The fees paid for specific development applications now come with general limits of service that staff can provide. For a typical development application, the application fees pay for two cycles of plan review, one community meeting, and an application period not to exceed six months. We have also added surcharges to our fee schedule for those instances where a specific application cannot stay within these general limits. This provision ensures that the standard fee program is not predicated on those unusual projects. Examples of the surcharges now include fees for additional community meetings, additional plan review cycles, and on-file time extensions beyond the standard six months. Previously, our cost recovery efforts related primarily to expenses we incurred in re-noticing applications.

### **Conclusion**

It is important to understand that the development review process works best when there is a partnership between the City and our customers to resolve project issues. While it is occasionally appropriate to agree to disagree, we will work diligently to find solutions that meet your needs so that the City's long-term goals are achieved. My Senior and Principal Planners are always available to help you, and can be reached at (408) 277-4576.

If you have questions about the development review process, need help to resolve an issue, or have comments about how we are doing, please feel free to give me a call. And please take the time to fill out the survey forms that you will receive at the conclusion of the process. Your comments and feedback help us improve the way we do our jobs, particularly our service to customers.

Joe Horwedel  
Deputy Director of Planning  
(408) 277-5184  
Joseph.Horwedel@sanjoseca.gov  
Web <http://www.sanjoseca.gov>

## Project Processing Timeline Goals

<p><b>30 Days or Less</b>  <b>(Assumes Exempt or reuse for CEQA)</b>  Dead tree removal approval (TR)  Lot Line Adjustment (AT)  Sign permits (AD)  Single Family House Permit, Category I (SF)  Time Extensions (AD)</p>	<p><b>60 Days or Less</b>  <b>(assumes Exempt or reuse for CEQA)</b>  Commercial / retail site modifications (H)  Historic Preservation Permit (HP)  Industrial site modifications (H)  Office site modifications (H)  Residential addition or conversion (CP)  Single Family House Permit, Category II (no council approval) (SF)  Time Extension (H, CP, PD, T)  Tree Removal no arborist report req'd (TR)  Utility Structures (AP)</p>
<p><b>90 Days or Less</b>  <b>(assumes Exempt or reuse for CEQA)</b>  Church, school, child care - minor additions, conversions, reuse (CP)  Commercial, Industrial w/o significant site issues (PDC, H, CP)  Historic Landmark Nomination  Off-sale alcohol Exception (CP)  Rezoning Conventional Districts (C)  SFDR permit and subdivision (PD, PT, T)  Single Family House Permit, Category III (council approval) (SF)  Tentative Map (T)  Tree Removal w/ arborist report req'd &amp; illegal removals (TR)  Variance (V)</p>	<p><b>120 Days or Less</b>  <b>(assumes Exempt, reuse or ND for CEQA)</b>  Car Dealership (CP)  Gas Stations (CP)  High Density Residential (3 stories or less) permit and subdivision (PD, PT, T)  Historic Landmark Preservation Agreement  Hotels / motels less than 100 rooms (H, PD)  Industrial / retail minor additions (H)  Nightclub / Bar (CP)  Residential zoning less than 200 units (PDC)  Small Churches, Child Care (CP)</p>
<p><b>180 Days or Less</b>  <b>(assumes ND for CEQA)</b>  High Density Residential (&gt; 3 stories) permit and subdivision (PD, PT, T)  Hillside development (PDC, PD)  Hotels / motels more than 100 rooms (H, PD)</p>	<p><b>180 Days or More</b>  <b>(assumes EIR or Complex ND for CEQA)</b>  Any project requiring preparation of and EIR  Commercial, Industrial w/ significant site issues (PDC, H, CP)  Large Public / Quasi Public uses (PDC, CP)  Residential zoning greater than 200 units (PDC)</p>
<p><b>Project Milestone Processing Goals</b></p> <ul style="list-style-type: none"> <li>• Comments for major applications sent in 30 days -- 95%</li> <li>• Comments for other applications sent in 30 days -- 70%</li> <li>• 2<sup>nd</sup> Round Comments for major projects sent 2 weeks --75%</li> <li>• Draft Permit to applicant 1 week prior to hearing -- 95%</li> <li>• Permit signed within 3 days of hearing -- 95%</li> <li>• Projects with 2 or fewer reviews to hearing -- 90%</li> </ul>	

## INSTRUCTIONS FOR FILING A TREE REMOVAL APPLICATION

### DEFINITION

A "tree" shall mean any live or dead woody perennial plant characterized by having a main stem or trunk which measures fifty-six (56) inches or more in circumference at a height of twenty-four (24) inches above natural grade slope.

A multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of twenty-four (24) inches above natural grade slope.

(Per Chapter 13.32 of Title 13 of the San Jose Municipal Code.)

### INSTRUCTIONS

Please complete the attached application and return it, in person, to the Department of Planning, Building and Code Enforcement of the City of San Jose, along with:

1. **Plot Plan/Photographs.** Two (2) copies of a legible plot plan of the property drawn to scale showing:

- Location of existing buildings, driveways and accessory structures, powerlines, with dimensions.
- The type, size, and condition of trees to be removed, with accurate dimensions showing the location of these trees. "Size" means the trunk circumference measured at two (2) feet above natural grade level.
- Any other trees on the property that are to remain.

*For your convenience, we have included a sample plot plan.*

- Provide photographs which show the entire tree(s).

2. **Dead Tree(s).** In addition to the items required in Step 1, after filing this application, the Director of Planning may request that a report be prepared by a Certified Arborist if more information is needed regarding the current condition of the tree(s).
3. **Public Notice Requirements For Live Tree(s) only.**
  - A. **Noticing the Neighborhood.** Refer to the Public Outreach Policy for a full description of the City's public notification procedures. Public Hearing notices will be mailed for development proposals at least 10 calendar days before the date set for hearing for a project. Notices will be sent to all property owners and residents within 300 feet for Very Small projects, 500 feet for Standard Development Proposals and a minimum of 1,000 feet for large or controversial projects as detailed in the Public Outreach Policy.
4. An Assessor's Parcel Map identifying the location of the property. These maps can be obtained from the County Assessor Office located at 70 West Hedding Street, 5th floor, San Jose, CA 95110 or the Planning Division in Room 400, City Hall Annex.
5. Attach any evidence explaining why the tree(s) should be removed. If the grounds for removal are based on the health of the tree, the Director of Planning may require a report prepared by an ISA Certified Arborist stating that the tree is diseased or dying.
6. Please indicate if the tree(s) to be removed are being used for nesting by birds or other animal species.
7. **Please refer to the FEE SCHEDULE for applicable filing and public noticing fees.**
8. **This application must be submitted in person to the Department of Planning, Building and Code Enforcement, City Hall, in Room 400.**

## PROCESSING SCHEDULE

### Planning Staff:

- Reviews application with the City Arborist.
- Reviews Heritage Tree Inventory.
- Prepares a recommendation to the Director of Planning and takes the project to Director's Hearing.

### Director of Planning:

- Reviews the recommendation and approves or denies the request.
- Will notify the Applicant of the Director's determination by mail.

### Appeal:

- The appeal process only applies to live trees. Any action by the Director may be appealed by the Applicant, the property owners or adjacent property owners to the Planning Commission within ten (10) days after said notice is mailed to the Applicant.

## ADDITIONAL INFORMATION

### Director's Hearing:

- Notice of the time and place of the Director's Hearing will be mailed to the Applicant. These hearings are held on Wednesday mornings at 10 a.m. in the City Council Chambers, Second floor, City Hall.

### Trees in the Public Right-of-Way:

- The Tree Removal Application only applies to trees on private property. If the problem tree is located on public property, please contact the City Arborist at (408) 277-2762. A common example of a tree on public property is a street tree that is located within the parkstrip or the area between the curb and the sidewalk.

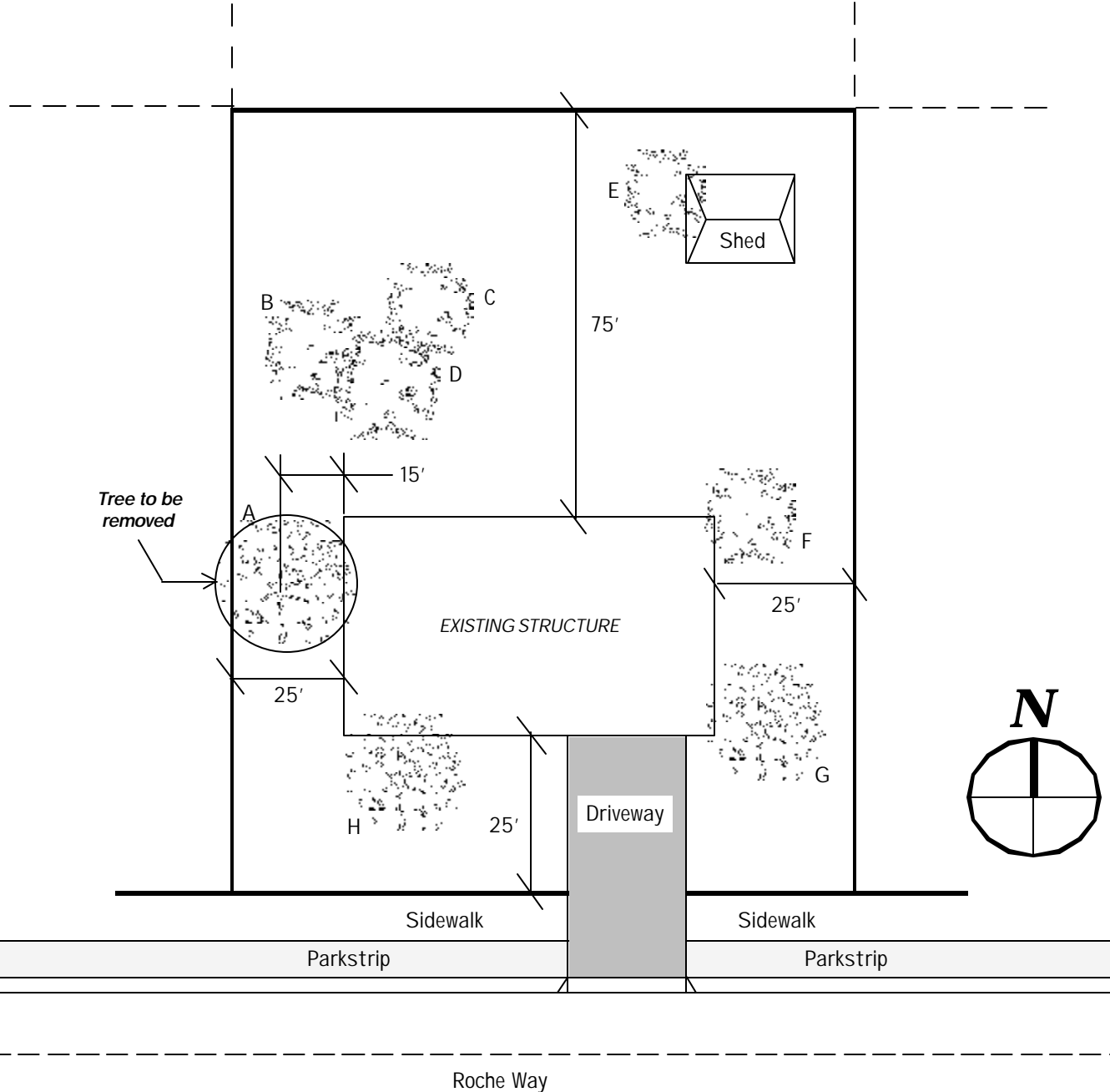
## TREE REMOVAL APPLICATION

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)											
SITE ADDRESS OR LOCATION DESCRIPTION ASSESSOR'S PARCEL NUMBER(S) (Found on your tax bill or garbage bill)		<b>STAFF USE ONLY</b>  FILE No: _____ FEE(S): _____ RECEIPT #: _____ DATE: _____ BY: _____									
CHECK EXISTING LAND USE: <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL: <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> SINGLE-FAMILY LOT <input type="checkbox"/> MIXED USE <input type="checkbox"/> TWO-FAMILY LOT <input type="checkbox"/> MULTI-FAMILY LOT		TREE LOCATION: <input type="checkbox"/> PRIVATE LOT <input type="checkbox"/> IN COMMON AREA									
PLEASE CHECK ONE OF THE FOLLOWING THAT APPLIES TO THE SUBJECT TREE: <input type="checkbox"/> LIVE <input type="checkbox"/> DEAD		GROSS ACRES OF THE SITE: _____									
NUMBER OF TREES TO BE REMOVED _____  <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%; text-align: center;">TREE TYPE</th> <th style="width: 60%; text-align: center;">CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL</th> </tr> </thead> <tbody> <tr> <td>TREE A _____</td> <td>_____</td> </tr> <tr> <td>TREE B _____</td> <td>_____</td> </tr> <tr> <td>TREE C _____</td> <td>_____</td> </tr> </tbody> </table>		TREE TYPE	CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL	TREE A _____	_____	TREE B _____	_____	TREE C _____	_____	<b>REMEMBER TO:</b> 1. Explain the reasons why the tree(s) should be removed on Page 2.  2. Attach <b>TWO</b> copies of the <b>PLOT PLAN</b> and Assessor's Parcel Map to this application.  3. Submit <b>PHOTO(S) OF TREE(S)</b> .	
TREE TYPE	CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL										
TREE A _____	_____										
TREE B _____	_____										
TREE C _____	_____										
<b>ATTACH A SEPARATE SHEET OF PAPER TO DESCRIBE ADDITIONAL TREES.</b>											
<b>PRINT NAME OF PROPERTY OWNER(S)</b> _____											
MAILING ADDRESS _____		CITY _____ STATE _____ ZIP CODE _____									
DAYTIME TELEPHONE # (      )	FAX # (      )	E-MAIL ADDRESS _____									
SIGNATURE (AND PRINT NAME IF DIFFERENT THAN THE ABOVE PROPERTY OWNER) _____											
If signing with Power of Attorney, a copy of the document giving you Power of Attorney must be attached to this application. If there are additional property owners, please attach a separate sheet to provide the above information.											
TO BE COMPLETED BY PLANNING STAFF											
PREVIOUS PERMIT FILE: _____		COUNCIL DISTRICT _____	QUAD NO. _____								
		ZONING _____									

**PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE PLANNING DIVISIONS, CITY HALL, ROOM 400,**  
Mondays, Wednesdays, Fridays from 9:00 a.m. to 5:00 p.m. or Tuesdays, Thursdays from 10:00 a.m. - 5:00 p.m.

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# SAMPLE PLOT PLAN



TYPE		Circumference in inches	CONDITION	STATUS
A	Ash	62	diseased	to be removed
B	Oak	26	healthy	to remain
C	Oak	22	"	"
D	Oak	30	"	"
E	Juniper	20	"	"
F	Juniper	20	"	"
G	Ash	50	"	"
H	Ash	52	"	"

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Tree Removal Application - Rev. 3/2/2005